

REMARKS/ARGUMENTS

Claims 1-8, 10, 11-15, & 19-21 were previously pending in the application. The Applicants cancel Claims 9 and 16-20 in this amendment. Claims 7, 8, & 21 are amended herein. Accordingly, Claims 1-8, 10, & 21 are now pending in this application. No new matter has been added. Reconsideration and allowance are respectfully requested.

Objections to Claim 21:

Applicants thank the Examiner for his kind indication of allowable subject matter as to **Claim 21**. Accordingly, the applicants have amended **Claim 21** to include all limitations of base **Claim 19**. Accordingly it is respectfully submitted that **Claim 21** is now in condition for allowance. Accordingly, **Claim 19** has been cancelled. Moreover, the applicants acknowledge that the Examiner considers the water ambient to include "an ambient with H and OH radicals". Therefore, the applicants submit that the objections to **Claim 21** should be withdrawn.

Claim Rejections Under 35 U.S.C. §112:

Claims 7 and 8 stand rejected under 35 U.S.C. §112, 2nd paragraph as being indefinite. Accordingly, the applicants have amended **Claims 7 & 8** to more clearly recite that "the thickness of at least one of the grown dielectric oxide layers [[layer]] is in [a specified range]". This should clarify the subject matter and more distinctly claim the invention. Therefore, the applicants submit that amendments to the claims overcome the presently expressed grounds of rejection. Accordingly, the applicants respectfully submit that the pending rejections of **Claims 7 & 8** should be withdrawn.

Claim Rejections Under 35 U.S.C. §103:

Claims 11-15 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the U.S. Patent to *Solo de Zaldivar* (USPN 5,610,084 hereinafter "Zaldivar") in view of several different references.

Claims 11-15 and 19-20 are cancelled thereby obviating these grounds of rejection. Accordingly, the applicants request that the rejections of Claims 11-15 and 19-20 be withdrawn.

Allowable Subject Matter:

The Applicants kindly thank the Examiner for his indication of allowable subject matter as to Claims 1-6 and 10. The applicants also submit that the defects of Claims 7, 8, and 20 are remedied making these claims suitable for allowance. Accordingly, the applicants request that a Notice of Allowance be issued on Claims 1-8, 10, and 21.

Conclusion:

In view of the foregoing amendments and remarks, it is respectfully submitted that the claimed invention as presently presented is patentable over the art of record and that this case is now in condition for allowance.

Accordingly, the applicants request withdrawal of all pending rejections and request reconsideration of the pending application and prompt passage to issuance. The applicants further clarify that any lack of response to any of the issues raised by the Examiner is not an admission by the applicants as to the accuracy of the Examiner's assertions with respect to such issues. Accordingly, applicants specifically reserve the right to respond to such issues at a later time during the prosecution of the present application, should such a need arise.

Additionally, if any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from Deposit Account No. 12-2252 (Order No. 03-1202).

As always, the Examiner is urged to telephone the applicants' representative to discuss any matters pertaining to this case. Should the Examiner wish to contact the undersigned for any reason, the telephone number set out below can be used.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Francis T. Kalinski II
Registration No. 44,177

P.O. Box 70250
Oakland, CA 94612-0250
Telephone: (650) 961-8300